

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TUAN THANH PHAN,
Petitioner,

v.

DAN PACHOLKE,
Respondent.

Case No. C07-5564BHS-KLS
ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on petitioner's filing of an application to proceed *in forma pauperis* and a petition for writ of *habeas corpus* under 28 U.S.C. § 2254. To file a petition and initiate legal proceedings, petitioner must pay a filing fee of \$5.00 or file a proper application to proceed *in forma pauperis*.

On October 9, 2007, petitioner filed his *habeas corpus* petition and application to proceed *in forma pauperis*. (Dkt. #1). On October 15, 2007, the Clerk sent plaintiff a letter informing him his application was deficient in that he had not included a completed and signed written consent form as required by Local Rule CR 3(b). (Dkt. #2). On October 19, 2007, petitioner submitted the required written consent form. (Dkt. #3). Nevertheless, petitioner's application still contains the following deficiency.

Pursuant to 28 U.S.C. § 1915(a)(2):

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor . . . shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.

Plaintiff thus is required to submit a statement showing the balance and activity of his account for the six-month period immediately preceding the filing of his petition. The prison trust account statement petitioner submitted with his application, however, is only for the month of July 2007. (Dkt. #3).

Accordingly, this Court orders the following:

- (1) Plaintiff shall seek to cure this deficiency by filing **no later than December 1, 2007**, a copy of his prison trust account statement showing the balance and activity of his account for the six-month period immediately preceding the filing of his petition.
Failure to cure this deficiency by the above date shall be deemed a failure to properly prosecute this matter and the court will recommend dismissal of this matter.
- (2) The Clerk is directed to send a copy of this Order to plaintiff.

DATED this 1st day of November, 2007.



Karen L. Strombom
United States Magistrate Judge